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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/817,382

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Hideya Kawahara

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2887

57960

7590

09/16/2008

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EXAMINER

SALOMON, PHENUEL S

ART UNIT

PAPER NUMBER

2178

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/817,382	<b>Applicant(s)</b> KAWAHARA ET AL.	
	<b>Examiner</b> PHENUEL S. SALOMON	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,9-15,19-25,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-15,19-25,29 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is in response to the amendment filed on April 23, 2008. Claims 6-8, 16-18, and 26-28 are canceled; claims 1, 11, and 21 are amended and claims 1-5, 9-15, 19-25, and 29-30 are pending.

2. The rejections of Claims 1-8, 11-18, and 21-28 remain rejected under 35 U.S.C. 103(a) as being anticipated by Padula (US 6,330,486) in view of Jones et al. (US 6,397,154 B1) have been withdrawn pursuant to applicant amendment.

3. The rejections of Claims 9-10, 19-20 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padula (US 6,330,486) in view of Jones et al. (US 6,397,154 B1) and in further view of Gibson (US 5,812,688) have been withdrawn pursuant to applicant amendment.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The rejections 1-5, 11-15, and 21-25 are rejected under 35 U.S.C. 103(a) as being anticipated by Padula (US 6,330,486) in view of Deacon et al. (US 5,515,474).

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Claims 1, 11 & 21: Padula discloses a method, a computer-readable storage medium and an apparatus for generating spatialized audio from non-three-dimensionally aware applications, comprising:

obtaining location information of a display window associated with the application within a three-dimensional display (col. 3, lines 9-15 and lines 44-53);

calculating an audio source location for the audio from the application in a three-dimensional sound space, wherein the audio source location is associated with a location of the display window in the three-dimensional display (col. 2, lines 24-32, 60-67); and

using the call to the non-three-dimensional audio API and the calculated audio source location in a three-dimensional sound system to position audio from the application in a three-dimensional sound space (col. 2, lines 60-67). But Padula does not explicitly disclose

intercepting a call to generate audio to a non-three-dimensional audio API from a non-three-dimensionally aware application. However, Deacon discloses an intercept routine that takes all information into audio API for processing (col. 4, lines 17-30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Deacon feature of intercept in Padula. One would have been motivated to do so in order to efficiently intercept or acquired the right parameters while generating the spatialized audio.

Claims 2, 12 & 22: Padula and Deacon disclose a method, a computer-readable storage medium and an apparatus as in claims 1, 11 & 21 above, Padula further discloses intercepting information about audio use involves intercepting an audio stream from the application (col. 3, lines 55-60).

Claims 3, 13 & 23: Padula and Deacon disclose a method, a computer-readable storage medium and an apparatus as in claims 1, 11 & 21 above, Padula further discloses intercepting information about audio

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use involves intercepting parameters (coordinates) associated with an audio stream from the application (col. 3, lines 60-67).

Claims 4, 14 & 24: Padula and Deacon disclose discloses a method, a computer-readable storage medium and an apparatus as in claims 1, 11 & 21 above, Padula further discloses obtaining location information of the display window associated with the application involves determining a set of coordinates on the three-dimensional display where the display window is located (col. 8, lines 12-30).

Claims 5, 15 & 25: Padula and Deacon disclose a method, a computer-readable storage medium and an apparatus as in claims 1, 11 & 21 above, wherein calculating the audio source location involves using the location of the display window to calculate coordinates for the audio source location so that audio from the audio source location appears to originate at the location of the display window (col.9, lines 22-35).

6. Claims 9-10, 19-20 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padula (US 6,330,486) in view of Deacon et al. (US 5,515,474) and in further view of Gibson (US 5,812,688).

Claims 9, 19 and 29: Padula and Deacon disclose a method, a computer-readable and an apparatus as in claims 1, 11 and 21 above, but do not explicitly disclose “reducing audio volume of other applications when a given application is issuing a request for a warning tone, wherein reducing audio volume of other applications causes the warning tone from the given application to be predominant. Gibson discloses “changes in volume of the reverb effect” (col. 7, lines 14-30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include this feature in Padula.

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One would have been motivated to do so in order to efficiently tune out sounds in which one's not interested.

Claims 10, 20 and 30 and : Padula and Deacon disclose a method, a computer-readable and an apparatus as in claims 1, 11 and 21 above, but do not explicitly disclose “when a given application is issuing a request for user attention or the three-dimensional window manager decides to get the user's attention to a certain application running in the three-dimensional window, the method further comprises applying spatial audio effects to the audio that the application is generating, wherein the spatial effects include panning the audio source location in the three-dimensional space left and right repeatedly and rapidly”. Gibson discloses an “aural effect where the sound is stretched and a delay panned from left to right” (col. 7, lines 5-13). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include this special effect in Padula. One would have been motivated to do so in order to demonstrate the sound dynamics that occur between speakers.

### ***Response to Arguments***

7. Applicant's arguments filed on 12/18/2007 have been fully considered but they are moot in view of new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Zettsu ( US 6,980,205) discloses method and apparatus for fixing display apparatus.
  - b. Otsuka et al. (US 5,745,651) discloses speech synthesis apparatus and method for causing a computer to perform speech synthesis by calculating product of parameters for a speech waveform and a read waveform generation matrix.
  - c. Nagakawa (US 6,760,050 B1) discloses virtual three-dimensional sound pattern generator and method and medium thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M.(Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272 4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PSS  
9/2/2008

/Stephen S. Hong/

Supervisory Patent Examiner, Art Unit 2178